

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Applicants:

M. Angelopoulos et al.

Serial No.: 09/256,034

Filed: February 23, 1999

For: MULTILAYERED RESIST SYSTEMS USING TUNED POLYMER FILMS
AS UNDERLAYERS AND METHODS OF FABRICATION THEREOF

Date: October 31, 2002

Group Art Unit: 1752

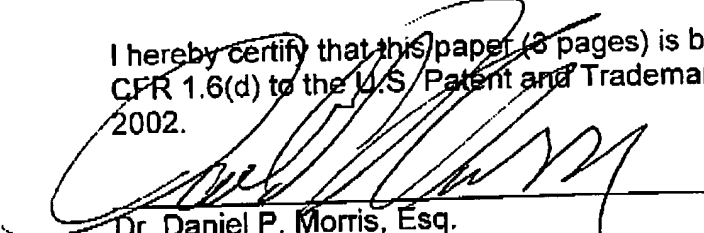
Examiner: J. S. Y. Chu

Docket No.: YO998-056

Assistant Commissioner for Patents
Washington, D. C. 20231

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (3 pages) is being facsimile transmitted under Rule 37
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2002.


Dr. Daniel P. Morris, Esq.
Reg. No. 32,053

Petition To Withdraw Notice of Abandonment
Dated October 21, 2002

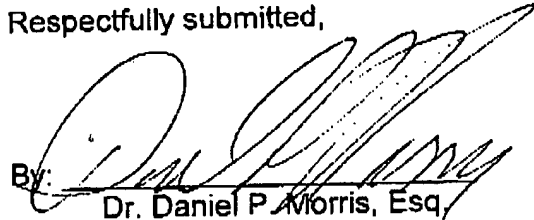
The Notice of Abandonment states that Applicants did not respond to the Office Action letter dated 11-17-2000. Applicants respectfully disagree. Applicants timely filed a Notice of Appeal on 05-15-2001 and timely filed an Appeal Brief on 06-08-2000 and concurrent therewith an Amendment, which was not responding to rejections in the Final Rejection of 11-17-2000, but which was correcting typographical errors in the claims. The Examiner did not enter the Amendment dated 06-08-2000 and issued a Notice of Noncompliance with 37 CFR 1.192(c) in response to the Brief submitted on 06-08-2000. In response to the Notice of Noncompliance with 37 CFR 1.192(c), Applicants timely submitted a substitute Appeal Brief on 10-04-2001 with an

amendment concurrently filed therewith again to correct the same typographical errors. The Examiner again did not enter this amendment and again issued a Notice of Noncompliance with 37 CFR 1.192(c) dated 11-20-2001 in response to the Brief submitted on 10-04-2001. In response Applicants timely submitted a Second Substitute Appeal Brief on 02-06-2002 again with a concurrent amendment to correct the same typographical errors. None of the amendments submitted with the original, first substitute and second substitute Appeal Briefs were in response to a rejection asserted by the Examiner, but Applicants' attempt to correct typographical error not noted in the Final Rejection.

Since Applicants timely submitted a Notice of Appeal on 05-15-2001, the six month statutory period of time to respond to the Final Rejection dated 11-17-2000 was tolled. Since Applicants timely submitted an Appeal Brief on 06-08-2001 the period of time to submit an Appeal Brief was tolled. Each Notice of Noncompliance with 37 CFR 1.192(c), including the last one submitted by the USPTO on 11-20-01 has a period of time to respond specified therein to be the greater of three time periods, the longest of these periods in the present application is the longer of one month or thirty days from the date of the Notice of Noncompliance with 37 CFR 1.192(c), which in the present application ended on 12-20-2001. Extensions of time are allowable under 37 CFR 1.136 as indicated in the Notice of Noncompliance. In both the Second Supplemental Appeal Brief filed on 02-06-2002 and the Amendment filed therewith, on the last pages thereof, Applicants state "[p]lease charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468." Thus, Applicants authorized the fee necessary to charge their deposit account to file the Second Supplemental appeal Brief on 02-06-2002 which is less than two months after 12-20-2001, the date on which a response was due, but within the five month period for extension of time permitted under 37 CFR 1.136. Thus, Applicants response on 02-06-2002 to the Notice of Noncompliance of 11-20-2001 was timely and therefore, the Notice of Abandonment dated 10-21-2002 should be withdrawn.

Please charge any fee necessary to enter this paper and any previous paper to deposit account 09-0468.

Respectfully submitted,

By: 

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